

FILED BY *Whe* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 MAY -2 PM 1:17

ROBERT R. DETROLIO
CLERK, U.S. DIST. CT.
WESTERN DISTRICT OF TENNESSEE, MEMPHIS

UNITED STATES OF AMERICA,

*

Plaintiff,

*

Crim. No. 02-20448-D/P

v.

*

JOHN E. MADISON, SR., and
WILLIEANN D. MADISON,

*

Defendants.

*

*

**ORDER DIRECTING DEFENDANTS AND MEMPHIS FIRST COMMUNITY BANK
TO APPEAR AND SHOW CAUSE**

Upon motion of the United States, the defendants and an authorized representative of Memphis First Community Bank shall appear before this Court on May 24, 2005 at 9:00 a.m. and show cause as to why they should not be held in contempt of court for violating the restraining order entered in the above-styled case on September 27, 2004.

IT IS SO ORDERED, this 2nd day of May, 2005.

Bernice B. Donald
BERNICE B. DONALD
United States District Judge

APPROVED:

TERRELL L. HARRIS
United States Attorney

By:

Christopher E. Cotten
CHRISTOPHER E. COTTEN
Assistant United States Attorney

380

Exhibit A

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, on August 4, 1999, WILLIEANN D. MADISON and JOHN MADISON, executed a certain Deed of Trust to LARRY WEISSMAN, as same appears of record in the Register's Office of the Shelby County, Tennessee under Instrument No. JP-6929 in the Register's Office of Shelby County, Tennessee, and the undersigned ROSALIND COSTON having been properly appointed as Substitute Trustee to act in the place and stead of LARRY WEISSMAN, in the said Deed of Trust, said appointment of Substitute Trustee being recorded as Instrument Number 05031856 in the Register's Office of Shelby County, Tennessee, with the undersigned now acting as Substitute Trustee, for the purpose of securing the debt and obligations therein described; and

WHEREAS, default was made in the payment of the debt and obligations secured by said Deed of Trust and the undersigned, as Substitute Trustee, was requested to advertise and sell the property conveyed by said Deed of Trust in compliance with the provisions thereof; and

WHEREAS, the undersigned, as Substitute Trustee, did, in compliance with the provisions of said Deed of Trust, advertise for sale the property conveyed by same, the advertisement of sale having been published in THE DAILY NEWS PUBLISHING COMPANY, a newspaper published in Memphis, Shelby County, Tennessee, in the issue of March 4th, 11th & 18th, 2005, of said newspaper, said sale having been advertised for Tuesday, March 29, 2005 commencing at twelve o'clock noon, at the southeast corner of the Courthouse, Memphis, Shelby County, Tennessee, and at the Adams Avenue entrance thereof, at which time and place same was offered for sale and sold; and

WHEREAS, the highest and best bid of said property was then and there made by MEMPHISFIRST COMMUNITY BANK, a bid, TWO HUNDRED FIFTY ONE THOUSAND EIGHT HUNDRED TWENTY TWO AND 97/100 (\$251,822.97) DOLLARS for said property, which bid was then and there accepted by the undersigned as Substitute Trustee.

NOW THEREFORE, in consideration of the premises and of the payment by the said MEMPHISFIRST COMMUNITY BANK, so bid, receipt of which payment is hereby acknowledged, the undersigned, ROSALIND B. COSTON, Substitute Trustee does hereby grant, bargain, sell and convey unto the said MEMPHISFIRST COMMUNITY BANK the said property above mentioned and now further described as situated in the City of Memphis, County of Shelby, and State of Tennessee, more particularly described as follows, to-wit:

Lot 28, American Place, as shown on Final Plan, Phase 1, Area A, Sections 1 and 2, of record in Plat Book 121, Page 31, in the Register's Office of Shelby County, Tennessee and more particularly described as follows:

Beginning at a point on the south line of Colony Park Drive (formerly American Way Drive) (4500 feet wide) said point being located westwardly as measured along said south line a distance of 146.33 feet from the tangent intersection of a curve having a radius of 39.50 feet being located at the southwest corner of Cherry Center Drive (45.00 feet wide) and said Colony Park Drive; runs thence South 32 degrees 14 minutes 25 seconds East along the west line of Lot 1 a distance of 125.13 feet to an iron pin, the southwest corner of Lot 1; thence South 89 degrees 44 minutes 45 seconds West a distance of 186.09 feet to an iron pin, the southeast corner of Lot 27, thence North 00 degrees 15 minutes 15 seconds West along the east line of Lot 27 a distance of 150.63 feet to a point in the south margin of Colony Park Drive; thence in an easterly direction around a curve to the left having a radius of 172.50 feet a distance of 83.81 feet to the point of beginning.

TO HAVE AND TO HOLD the property described, together with the privileges, appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said MEMPHISFIRST COMMUNITY BANK, its successors and assigns forever, to whom the said ROSALIND B. COSTON, Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through, or under him, but not further or otherwise.

The proceeds of this sale, the receipt of which undersigned Trustee hereby acknowledges, have been applied as follows:

Principal & Interest	\$ 249,112.23
Publication Costs	405.00
Attorney Fees	1,200.00
Recording Fee	24.00
Foreclosure Reference	150.00
Transfer Tax	931.74

TOTAL BID \$251,822.97

WITNESS the signature of the undersigned, Rosalind B. Coston, Substitute Trustee, this 31st day of March, 2005.

Rosalind B. Coston
Rosalind B. Coston

STATE OF TENNESSEE)
COUNTY OF SHELBY)

Before me, the undersigned, a Notary Public of the State of and County aforesaid, personally appeared Rosalind B. Coston with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the within named bargainor and that he as such executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official Seal at office this 31st day of March, 2005.

Keith C. Kyles
NOTARY PUBLIC

MY COMMISSION EXPIRES: 4-25-07

Property Address:
2771 Colony Park Drive
Memphis, Tennessee 38118
New Owner and
Mail Tax Bills to:
MEMPHISFIRST COMMUNITY BANK
4230 Elvis Presley Blvd.
Memphis, Tennessee 38116

This Instrument Prepared by:

KEITH C. KYLES
KYLES & ASSOCIATES, P.C.
212 ADAMS AVENUE
MEMPHIS, TENNESSEE 38103
(901) 522-1200

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$251,822.97, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Rosalind B. Coston
AFFIANT

Parcel ID No. 073022 D00014C

Subscribed and sworn to before me this the 31st day of March, 2005.

Keith C. Kyles
NOTARY PUBLIC

MY COMMISSION EXPIRES: 4-25-07



Tom Leatherwood

Shelby County Register

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.



05050934

04/04/2005 - 01:38 PM

2 PGS : 8 - SUB TRUSTEE DEED

TRID 303307-5050934

VALUE 251021.97

MORTGAGE TAX 0.00

TRANSFER TAX 931.75

RECORDING FEE 10.00

DP FEE 2.00

REGISTER'S FEE 1.00

WALK THRU FEE 5.00

TOTAL AMOUNT 949.75

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



Notice of Distribution

This notice confirms a copy of the document docketed as number 380 in case 2:02-CR-20448 was distributed by fax, mail, or direct printing on May 2, 2005 to the parties listed.

Tony L. Axam
LAW OFFICE OF TONY L. AXAM
1280 W. Peachtree St.
Ste. 310
Atlanta, GA 30309

Vivian R. Donelson
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Christopher E. Cotten
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Mitzi H. Spell
BETSERAI & SPELL
100 N. Main St.
Ste. 901
Memphis, TN 38103

Michelle L. Betserai
BETSERAI & SPELL
100 N. Main St.
Ste. 901
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT